

### **REMARKS**

The outstanding issues are as follows:

- Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e); and
- Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1–48 are pending in this application.

#### **I. REJECTIONS UNDER 35 U.S.C. § 102(e)**

Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Spiegel et al., U.S. Patent No. 6,629,079 (hereinafter *Spiegel*).

##### ***Spiegel* fails to Describe or Suggest a Moveable Or Controllable Window Object Within a Content Manifestation Environment**

*Spiegel* describes a system with multiple electronic shopping carts for each user. The carts are selected using shopping cart selection navigation bar 101. A shopping cart may be viewed using shopping cart viewing navigation bar 104. All of this is generated using HTML generated by a server. There is no capability of moving or otherwise controlling a window object within a content manifestation environment. To the contrary, *Spiegel* never mentions a “window”; the word is completely absent from the disclosure. Nor does *Spiegel* mention anything being moveable or otherwise controllable.

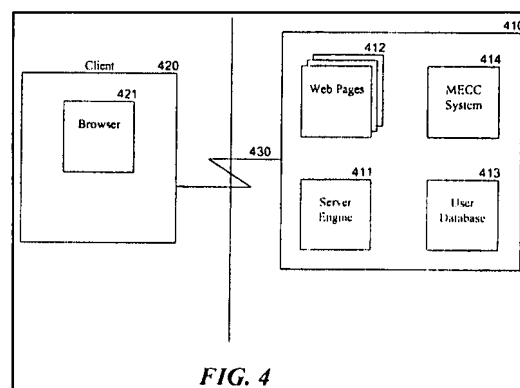
The Examiner responds to Applicants’ arguments as follows:

The applicant argues that *Spiegel* does not teach or suggest dynamic manifestation performed by the web browser client. The applicant contends that the dynamic manifestation taught by *Spiegel* is performed by the server and not the web browser client. However, *Spiegel* discloses the processing of information

at the server and then sending context data to the web client. The web client is then responsible for displaying the data. In order to generate a display of the data in the manner directed by the context, the client must process and interpret the information that has been transmitted. The actual creation and display of the dynamic information, or dynamically manifest the data, is performed by the client as disclosed in Col 8, lines 24-40. The referenced section of *Spiegel* discloses that HTML is utilized to create a display in the client browser. In order to clarify the examiners position, the following example is provided: When a server transmits HTML data the data includes both tags and information. An example of such tags are the frame indicators, <frame> (begin frame) and </frame> (end frame). The frame indicators directs the web client to create a separate window and display the data between the <frame> and </frame> in a separate window. The client is responsible for interpreting these tags and displaying the data as per the formatting requested by the server. As such, the interaction described in Col 8, lines 24-40 discloses the web client dynamically manifesting the information. While the data was sent from the server, the web browser client performs the actual manifesting.

The Examiner's comments, however, do not address the failure of *Spiegel* to describe or suggest the subject matter of the rejected claims. The portion of *Spiegel* cited in support of the rejection of the independent claims describes that:

FIG. 4 is a block diagram illustrating an embodiment of the present invention. This embodiment supports electronic commerce with multiple contexts over the Internet using the World Wide Web. The server system 410 includes a server engine 411, various Web pages 412, a user database 413, and the multiple electronic commerce context ("MECC") system (or multiple shopping cart system in one embodiment). The server engine receives HTTP Is requests to access Web pages identified by URLs and provides the Web pages to the various client systems. Such an HTTP request may indicate that the purchaser has performed the single action to select a different shopping cart or electronic context. The user database includes purchaser-specific order information such as the name of the user and electronic commerce context ("ECC") profile information for each electronic commerce context. The MECC system contains various components that perform the functions of multiple electronic commerce context. Various components are described below in detail.



The client system 420 contains a browser 421. The server and client systems interact by exchanging information via communications link 430, which may include transmission over the Internet.

One skilled in the art would appreciate that the multiple electronic commerce context techniques can be used in various environments other than the Internet. For example, the techniques can be used in a single computer system environment rather than in a client/server environment. Also, various communication channels may be used such as local area network, wide area network, or point-to-point dial up connection. Also, a server system may comprise any combination of hardware or software that can support multiple electronic commerce contexts. A client system may comprise any combination of hardware or software that can interact with the server system. These systems may include television-based systems or various other consumer products through which orders may be placed. In general, the client and server system may include a central processing unit, a memory, and storage devices. The multiple electronic commerce context ("MECC") system may be stored in a computer-readable medium such as memory or a CD-ROM.

*Spiegel* at column 6, line 59 – column 7, line 31.

There is simply no mention whatsoever of a controllable or moveable window object as required by the pending independent claims. Nor is there any mention of a controllable or moveable window object in the portion of *Spiegel* cited in the Examiner's Response to Arguments:

FIG. 7 is a flow diagram of a routine that generates a display for the current context. This routine retrieves the electronic commerce context ("ECC") profile information for the current context ID and generates the display accordingly. In this embodiment, the generated display is described in a HTML document. In step 701, the routine retrieves the current context ID for the user. In step 702, the routine retrieves the ECC profile information for the retrieved context ID. In step 703, the routine generates a context selection navigation bar (e.g., the shopping cart selection navigation bar) that identifies each of the contexts for the user. In step 704, the routine highlights the current context on the generated selection navigation bar. In step 705, the routine generates the selection box in accordance with the ECC profile information for the current context ID. In

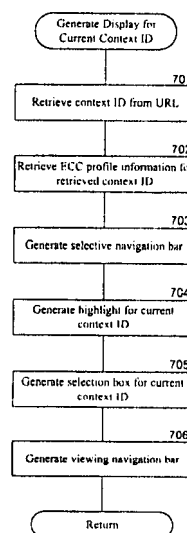


FIG. 7

step 706, the routine generates the context viewing navigation bar (e.g., shopping cart viewing navigation bar) based on the retrieved ECC profile information. The routine then returns.

*Spiegel* at column 8, lines 24 – 40.

As can be seen, there is no mention in the cited portion of *Spiegel* of a controllable or movable window object.

The Examiner further states that *Spiegel* uses HTML to create a display in the client browser and then goes on to explain how one might use tags as frame indicators. However, the explanation appears irrelevant to the applied rejection as *Spiegel* does not mention tags, frames or the claimed controllable or moveable window objects. Whether or not frame indicators can be included in HTML code and/or whether or not they would function as described by the Examiner is irrelevant as the applied *Spiegel* reference does not describe or mention any of it.

#### A. Claims 1–6

Claim 1 requires, *inter alia*, the production of:

...a moveable shopping cart window object within [a] content manifestation environment of [a] Web browser client, said moveable shopping cart window object configured to dynamically manifest therein [a] shopping list received from [a] shopping list content source in accordance with said data [related to the shopping list].

As fully set forth above, the applied *Spiegel* reference is completely silent on a moveable [shopping cart] window object. *Spiegel* makes no mention of moving a window object or anything else for that matter. Figures 1 – 3 of *Spiegel* depict various displays, none of which are

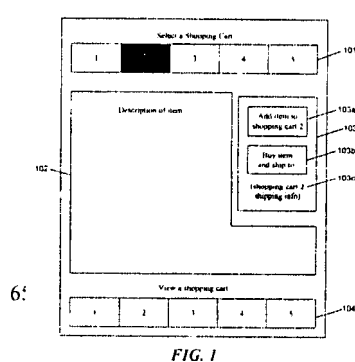


FIG. 1

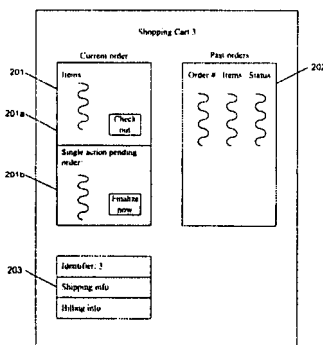


FIG. 2

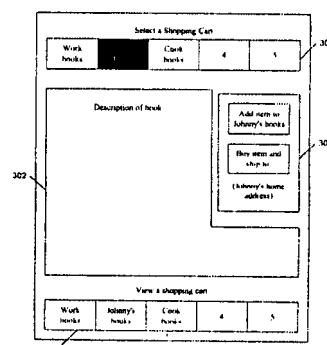


FIG. 3

described as having or appear to depict movable window objects. Failing to describe or suggest the subject matter of claim 1, the rejection of that claim and claims 2 – 6 dependent therefrom under 35 U.S.C. § 102(e) is improper.

The rejection is further considered to be improper for the reasons presented in Applicants' prior response which is incorporated herein in its entirety. As fully set forth therein, *Spiegel* fails to teach or even suggest dynamically manifesting a shopping list from information received from the shopping list source:

In claim 1, a software system is transmitted from a server system along with shopping list data, to a Web browser client. The Web browser client then operates and processes the software system and list data to operate the claimed invention. Therefore, the dynamic manifestation of the shopping list, as required by claim 1, is being performed on the Web browser client, again, as required by claim 1. In *Spiegel*, all shopping cart information is processed at the server system 401. Col. 6, ln 59 – Col. 7, ln 13. As described in the flowchart of *Spiegel*'s Figure 8, when the user selects to add an item, the changes are made to the user database, which *Spiegel* describes as being located on the server system 401. See FIGURE 4; and Col. 8, lns 42-52. According to the description of *Spiegel*, the MECC System 414 contains the various components that perform the functions of the multiple electronic contexts (i.e., the different shopping carts), including the updating of the HTML document that is to be transferred to the browser 421 of the client system 420. Col. 7, lns 3-13. Thus, the system description from *Spiegel* performs all of the processing of the various multiple electronic commerce contexts at the server system 414. In contrast, claim 1 requires such processing to be at the Web browser client, which is how the claimed invention describes dynamically manifesting the shopping list received from the shopping list content source. Therefore, *Spiegel* does not teach or even

suggest each of the limitations of claim 1. As such, claim 1 is patentable over the rejection of record.

Again, as claims 2–6 each depend directly or indirectly from independent claim 1, each inherit the limitations of claim 1. As such, claims 2–6 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 1–6 under 35 U.S.C. § 102(e).

**B. Claims 7–12**

Claim 7 requires, “... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data.” As noted above, *Spiegel* fails to teach a moveable [shopping cart] window object nor does it teach dynamic manifestation within the Web browser. Instead *Spiegel* describes a standard server-based Web interaction lacking a moveable window object. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 7.

Claims 8–12 each depend directly or indirectly from independent claim 7 and, thus, inherit each of the limitations of claim 7. As such, claims 8–12 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 7–12 under 35 U.S.C. § 102(e).

**C. Claims 13–17 and 19**

Claim 13 requires, “... said controllable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data.” Again, *Spiegel* lacks any description or mention of a controllable [shopping cart] window object or dynamic manifestation within the Web browser. Instead *Spiegel* describes a conventional server-based Web interaction producing what appears to be a static web page of standard text and fixed active regions. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 13.

Claims 14–17 and 19 each depend directly or indirectly from independent claim 13 and, thus, inherit each of the limitations of claim 13. As such, claims 14–17 and 19 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 13–17 and 19 under 35 U.S.C. § 102(e).

**D. Claims 20–24 and 26**

Claim 20 requires, “... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation of a shopping list with a moveable [shopping cart] window object within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 20.

Claims 21–24 and 26 each depend directly or indirectly from independent claim 20 and, thus, inherit each of the limitations of claim 20. As such, claims 21–24 and 26 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 20–24 and 26 under 35 U.S.C. § 102(e).

**E. Claims 27–29**

Claim 27 requires, “... said moveable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation of a moveable [television] within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 27.

Claims 28–29 each depend directly or indirectly from independent claim 27 and, thus, inherit each of the limitations of claim 27. As such, claims 28–29 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 27–29 under 35 U.S.C. § 102(e).

***F. Claims 32–34***

Claim 32 requires, “... dynamically manifesting said audio-visual program within said moveable television window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation an audio-visual program within a moveable [television] window object, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 32.

Claims 33–34 each depend directly or indirectly from independent claim 32 and, thus, inherit each of the limitations of claim 32. As such, claims 33–34 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 32–34 under 35 U.S.C. § 102(e).

***G. Claims 37–39***

Claim 37 requires, “... said controllable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data.” As noted above, *Spiegel* does not teach a controllable [television] object or dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 37.

Claims 38–39 each depend directly or indirectly from independent claim 37 and, thus, inherit each of the limitations of claim 37. As such, claims 38–39 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 37–39 under 35 U.S.C. § 102(e).

***H. Claims 43–45***

Claim 43 requires, “... dynamically manifesting said audio-visual program within said controllable television window object in accordance with said data.” As noted above, *Spiegel* does not teach a controllable [television] object or dynamic manifestation within the Web

browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 43.

Claims 44 and 45 each depend directly or indirectly from independent claim 43 and, thus, inherit each of the limitations of claim 43. As such, claims 44 and 45 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 43–45 under 35 U.S.C. § 102(e).

## II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spiegel* in further view of Hall, Marty, “Core Web Programming,” 1998 (hereinafter *Hall, Marty*).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

The *Hall, Marty* publication is over 1200 pages in length, covering the following topics

I. THE HYPERTEXT MARKUP LANGUAGE.	II. JAVA PROGRAMMING.	III. SERVER-SIDE PROGRAMMING.
1. Designing Web Pages with HTML 4.0.	6. Getting Started with Java.	18. HTML Forms.
2. Block-Level Elements in HTML 4.0.	7. Object-Oriented Programming in Java.	19. Server-Side Java Servlets.
3. Text-Level Elements in HTML 4.0.	8. Basic Java Syntax.	20. Javasever Pages.
4. Frames.	9. Applets and Basic Graphics.	21. Using Applets as Front Ends to Server-Side Programs.
5. Cascading Style Sheets.	10. Java 2D- Graphics in Java 2.	22. JDBC.
	11. Handling Mouse and Keyboard Events.	23. XML Processing with Java.
	12. Layout Managers.	IV. JAVASCRIPT.
	13. AWT Components.	24. JavaScript- Adding Dynamic Content to Web Pages.
	14. Basic Swing.	25. JavaScript Quick Reference.
	15. Advanced Swing.	
	16. Concurrent Programming with Java Threads.	
	17. Network Programming.	

From these 1200+ pages the Examiner selectively culls three pages, asserting that one skilled in the art would have modified the teaching of *Spiegel* to incorporate features mentioned in these three pages to “guarantee that certain parts of the interface ... are always on the screen and provide user’s [sic.] with the ability to modify the frame’s size to enhance their viewing screen.” However, the cited portion of *Hall, Marty* applies to frames, something that is never mentioned by *Spiegel*:

#### NORESIZE

By default, the user can resize frame cells by dragging the border between cells.

NORESIZE disables this.

*Hall, Marty* at page 112.

If it is the Examiner’s position that every combination of every capability mentioned in the 1200+ pages of *Hall, Marty* are obvious modifications of all forms of computer implemented inventions, such is not the law. Absent motivation, the combination is improper. In this case, not only is any motivation lacking, but the feature discussed in the secondary reference is in connection with a structure never mentioned in the primary reference. Merely showing that a feature might have been incorporated falls short of showing that it would have been obvious to do so.

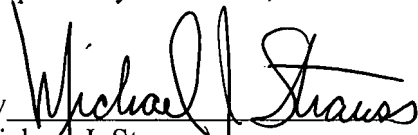
More importantly, the rejection is substantively improper in that the combination, even if proper, fails to teach the claimed invention. As noted above, *Spiegel* does not teach or even suggest all of the limitations of independent claims 13, 20, 27, 32, 37, and 43. *Spiegel* fails to teach a controllable or moveable window object or the dynamic manifestation of data as required in those independent claims. Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 depend from base claims 13, 20, 27, 32, 37, and 43, respectively, and, thus, inherit each independent claim's limitations. As such, claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are each patentable over *Spiegel*. Moreover, *Hall, Marty* does not cure the failure of *Spiegel*. Therefore, the combination of *Spiegel* with *Hall, Marty* does not teach or even suggest each of the claim limitations of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48. As such, Applicant respectfully requests the Examiner to withdraw his rejection of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 under 35 U.S.C. § 103(a).

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

This Response is accompanied by a Petition and fee for a three month extension of time. If any additional fees are due, please charge Deposit Account No. 06-2375, under Order No. 65164/P001CP1/10606083 from which the undersigned is authorized to draw.

Dated: October 12, 2007

Respectfully submitted,

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